



South Carolina  
**DEPARTMENT OF AGRICULTURE**  
**MARKETING DEPARTMENT**  
1200 Senate Street, Columbia, SC 29201

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Hugh E. Weathers, Commissioner

# **RULES AND REGULATIONS OF THE ROADSIDE MARKET INCENTIVE PROGRAM**

## **REGULATION 1 SCOPE AND ADMINISTRATION OF PROGRAM**

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### **1.01 Scope of Program.**

The Roadside Market Incentive Program is a voluntary participation program designed to improve Roadside Markets, to improve the quality of merchandise sold, to promote safety and eliminate traffic hazards around such markets, to encourage sanitation and cleanliness, to promote fair and honest marketing practices and to encourage trade with participating markets.

### **1.02 Administration of Program.**

The Roadside Market Incentive Program shall be supervised and administered by the Marketing Division of the South Carolina Department of Agriculture.

## **REGULATION 2 DEFINITIONS**

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### **2.01 Roadside Market.**

A Roadside Market within the meaning of these regulations shall include all stores or markets which primarily sell agricultural commodities to the public. A portion of the products offered for sale must include those grown or produced in South Carolina.

## **REGULATION 3 APPLICATIONS**

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### **3.01 Application for Participation.**

The proprietor of any roadside market as herein defined, or a partner or officer where such market is owned by a partnership or corporation, may apply to the Commissioner of Agriculture for participation in this program, such application to be made on a form furnished by the Department of Agriculture, a copy of which is hereto attached and made a part hereof. A separate application must be filed for each location. Chain participation without approval of each location shall not be permitted.

### **3.02 Approval of Application.**

No market shall be entitled to participate in this program until its application has been approved. The Commissioner of Agriculture shall approve or disapprove each application within a reasonable period after it is filed with the Department of Agriculture.

### **3.03 Denial of Applications.**

When an application for participation shall be denied, the applicant must be promptly notified in writing of the disapproval and the reasons thereof. Upon request, such application shall be afforded a review of the disapproval by a hearing conducted by the Commissioner within sixty (60) days of receipt of such a request.

### **3.04 Transfer of Approval.**

As provided by law, market approval and the sign indicating the same shall be transferable between owners, provided the Department of Agriculture is given written notice of such change of ownership within ten (10) days and an application is signed by the new owner, said application requiring no further approval. In no event shall market approval or signs be transferable from one location to another.

### **3.05 Revocation of Approval After Grant of Application.**

The approval of any participating market shall be subject to revocation at any time for violation of any provisions of the law or of these regulations. Where any approval is revoked, the proprietor shall be afforded a hearing by the Commissioner upon a request in writing to the Department of Agriculture within sixty (60) days after notice of such revocation.

## **REGULATION 4 SIGNS**

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### **4.01 Display of Sign.**

Upon approval as a participating market, the Department of Agriculture shall furnish each approved market a sign evidencing such approval. The sign shall at all times remain the property of the Department of Agriculture.

### **4.02 Misuse or Wrongful Display of Sign.**

The display of the sign herein described or any imitation thereof by a market which has not been approved or by a market, the approval of which has been revoked, or the failure to surrender such sign to the Department of Agriculture shall be punished in accordance with the Roadside Market Incentive Program Act.

## **REGULATION 5 DESIGN**

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### **5.01 Market Design.**

No market shall be approved or retain approval unless the external and internal appearance of the market is at least equal to that of a produce stand as designed by the Cooperative Extension Service, State of South Carolina, as shown on Drawing No. EX 5983 which is attached hereto and made a part hereof.

## **REGULATION 6 LOCATION**

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### **6.01 Driveway Permits.**

Newly established markets must have an approved commercial driveway permit from the State Highway Department for any site which an application is filed and a copy of such permit shall be submitted with the application for participation.

### **6.02 Visibility.**

No approval will be issued for newly established markets when visibility is obscured by a hill, curve or other obstruction creating a definite traffic hazard.

### **6.03 Adequate Parking Space.**

All markets must maintain adequate parking space for all vehicles to park clear of the highway and highway right-of-way. Where feasible, on heavily traveled highways, parking space should be made available on the opposite side of the highway to minimize hazards and delays caused by left turns.

### **6.04 Prohibited Activity on Highways and Highway Right-of-Way.**

No person connected with a market shall stand, walk or run upon the highway or adjacent shoulders, selling or displaying produce, quoting prices or committing any other act designed to distract attention of drivers from their driving. No such persons will conduct any business with the occupants of an illegally parked vehicle. No market will maintain signs on right-of-way of highways or any signs which are determined by the Highway Department to constitute traffic hazards.

### **6.05 Highway Department Approval.**

Before an application is approved for a newly established market, the site must be approved by The Office of the Highway District Engineer of the district in which such a market is located. It must comply with and remain in compliance with the Rules and Regulations for the control and protection of State Highway Rights-of-Way of the State Highway Department of South Carolina.

## **REGULATION 7 SANITATION AND CLEANLINESS STANDARDS**

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### **7.01 Sanitation and Cleanliness.**

All markets must strictly comply with the South Carolina Food Laws insofar as they are applicable, as well as with all other applicable laws, rules and regulations dealing with sanitation, cleanliness and marketing conditions.

## **REGULATION 8 PRODUCT QUALITY**

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### **8.01 Sale of Culls.**

Unwholesome, spoiled or damaged food or produce which is unfit for human consumption shall not be offered for sale at any Roadside Market.

### **8.02 False Packs Prohibited.**

Produce or other agricultural products packaged with the topping or facing of containers exposing the best produce or produce with inferior produce or products concealed underneath shall constitute "False Packs" and as such shall not be offered for sale at any Roadside Market.

### **8.03 Applicability of Commodity Marketing Orders.**

No product covered by a Commodity Marketing Order, which fails to comply with the provisions of that order, shall be offered for sale at any Roadside Market.

### **8.04 Compliance with All Laws, Rules and Regulations.**

With respect to size, quality, packaging and labeling, all products sold at a Roadside Market must comply with all laws and rules and regulations applicable to that product.

## **REGULATION 9**

### **FAIR AND HONEST MARKETING PRACTICES**

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#### **9.01 Fraudulent or Dishonest Practices.**

When any operator or employee of any participating Roadside Market is found to have engaged in fraudulent or dishonest practices in a Roadside Market or to have permitted others to do so, in addition to other penalties provided by the law, the approval of such market shall be revoked.

#### **9.02 Alcoholic or Intoxicating Beverages or Narcotics.**

The consumption of alcoholic or intoxicating beverages or any narcotics and any person under the influence of the same shall not be permitted on the premises of any participating Roadside Market.

#### **9.03 Profanity or Abusive Language.**

The use of profane or abusive language on the premises of any participating Roadside Market is prohibited.

#### **9.04 Compliance with Weights and Measures Law and Other Applicable Laws.**

Products not complying with the requirements of the Weights and Measures Law of the State of South Carolina shall not be sold, exposed or offered for sale at any Roadside Market. All Roadside Markets participating in this program shall comply with every law of the State of South Carolina applicable to such market or the products sold therein.

#### **9.05 Sale of Blow Outs Prohibited.**

“Blow Outs” or nuts rejected at cleaning and grading plants shall not be sold at any Roadside Market.

## **REGULATION 10**

### **VIOLATIONS**

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#### **10.01 Effect of Violations of These Rules and Regulations.**

The violation of and provisions of these Rules and Regulations shall constitute grounds for disapproval of any application for participation or for revocation of any approval previously granted.

## **REGULATION 11**

### **EFFECTIVE DATE**

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#### **11.01 Effective Date.**

These Rules and Regulations become effective June 1, 1972.